

RDMD/Planning and Development Services

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DATE: June 9, 2005

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Land Planning

SUBJECT: Public Hearing on Planning Application PA05-0027 for Variance

PROPOSAL: The applicant proposes to add a second floor to their existing home as close as 15.85 feet to the front property line, where 20 feet is required. An addition, an interpretation of the County's Off-Street Parking Regulations is included to count one of two existing garage spaces plus one new garage space as meeting all the requirements of an addition of more than 50% to an existing home's floor space, where the garage situation is non-standard.

A Variance is required for this proposal because the Zoning Code R1 District Regulations require a structural setback of 20 feet or more from the true front property line.

LOCATION: The project site is located in the larger unincorporated area of Orange Park Acres, near the intersection of Randall Street and Santiago Canyon Road, at 10380 Randall, Third Supervisorial District.

APPLICANT: Phillip and Susan Sullivan, property owners

STAFF J. Alfred Swanek, Project Manager Phone: (714) 796-0140;

CONTACT: E-Mail: Jim.Swanek@pdsd.ocgov.com; FAX: (714) 834-4772

SYNOPSIS: Land Planning recommends Zoning Administrator approval of PA05-0027 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is located in an unincorporated residential community near the city of Orange. The subject lot is a near right-angle triangle, roughly 165 feet on each right-angle side, one of which is the street frontage on Randall.

In 1932, the County first began to issue building permits. In 1937, this house and the attached garage (per the County Assessor) were first constructed about 6 feet from what was then the front property line.

SURROUNDING LAND USE:

Direction	Zoning	Existing Land Use
Project Site	R1 “Single-family Residential”	Single- family dwellings
North	R1 “Single-family Residential”	Single- family dwellings
West	R1 “Single-family Residential”	Single- family dwellings
East	E4-1 “Small Estates”	Single- family dwellings
South	E4-1 “Small Estates”	Single- family dwellings

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to County Divisions and the City of Orange. The City of Orange on May 11, 2005 offered no comment.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 5, minor alterations in land use limitations such as setback variance) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

For the front setback variance proposal, being to add above the existing home’s footprint, staff can find no directly comparable examples in the near area. The standard setback for any structure in the R1 Single Family Residential District is 20 feet from the true front property line (Orange County Zoning Code Section 7-9-127.1), here informal landscaping in the absence of sidewalks. The most comparable situation in terms of possible impact on the neighborhood would be the planning application PA000056, also concerning a triangular lot, at 11192 Meads Avenue, which allowed a home to be placed as close as 16.5 feet from Orange Park Boulevard, although in said case this was deemed the “side” of that home.

Prior to 1940, there were no setback requirements for “Unclassified” lands, such as the greater Orange Park Acres was identified as. Although the County has no record of building permits from before the 1950s, it is assumed the house constructed in 1937 complied with all regulations then in force.

Section 7-9-145.2(i) of the County Off-Street Parking Regulations provides that an increase in the living area of an existing single family residence of more than 50% triggers the requirement for a fully-standard 2-car garage. Since the applicants are proposing to add 2,069 square feet of living area to an existing home of 1,540 square feet, or an increase of 134%, this requirement applies.

After 1960, the original attached garage on this home, originally some 6 feet from the front property line, became 16 feet from the front property line by virtue of a partial street abandonment. One car space in the existing 2-car garage is presently no more than 17.5 feet from the front property line on one side. On the other side, it is more than the 18-foot requirement, and the second space is well over 18 feet from the front property line.

Although the applicants have the option of requesting an off-street parking regulation modification use permit to allow the two spaces described above to suffice, they are also proposing a new additional garage space, which is located the fully required 20 feet from the front property line. Staff's view is that the "leftmost" space in the existing garage, plus the new garage space, together satisfies the required standard 2-car covered parking requirement of current regulations, obviating the need for a use permit or its required findings.

Possible justifications for the setback variance might be found in the facts:

1. That the existing home was placed in 1937 at an angle to the front property line, almost as if the original builder was trying to "center" it within the triangle-shaped lot;
2. That the Orange Park Acres Specific Plan, a General Plan-implementing policy document adopted by the County in 1974, calls on Page 100 for "a variety of house and structure setbacks" to protect the rural character of the area;
3. That the true front property line is not a sidewalk but essentially a line in the middle of the front yard turf, unlikely to ever be needed for physical street widening; and
4. That the lot is irregularly shaped, with a modicum of irregular topography.

These reasons for granting a variance, as well as finding that a special privilege would not thereby result, have been included in recommended findings of approval under Appendix A. Staff supports the proposal and makes a recommendation as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA05-0027 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Charles Shoemaker, Chief
Land Planning/Site Planning Section

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Site Photos
- 3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Resources and Development Management Department.